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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,016	01/12/2001	Russell E. Parks	FIS9-2000-0282	1797
30743	7590	03/29/2006	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/759,016	<b>Applicant(s)</b> PARKS ET AL.	
	<b>Examiner</b> Jonathan Ouellette	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

***Response to Amendment***

1. Claim 3 has been amended. Claims 1-7 are currently pending in application 09/759,016.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1, 4, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
4. Independent claims 1, 4, and 5 disclose wherein the supplier sends information regarding the qualified candidate to the user with appended resumes, *as appropriate*.
5. It is unclear when the resumes should be appended to the candidate information or when appending would be considered appropriate. Would appropriate be if a resume is available, if the Candidate has an exemplary resume, or if the user requested resumes.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al.

(US 6,408,337 B1).

8. As per **independent Claims 1, 4, and 5**, Dietz discloses a (Web-based, computer system) Skills Matching Application (SMA) which allows a user to communicate requirements to technical service suppliers in a way that significantly reduces the process time and improves the accuracy of requests sent to suppliers comprising the steps of: means for accessing the SMA (Database system/files/forms) from a Requisition/Catalog application (Listing of database system files); means to complete a skills detail checklist for each of the technical skills requested to provide a detailed statement of required skills and abilities for an employee (C8 L51-63, e-mail to vendor); means for selecting suppliers (C8 L27-38); means for submitting a notification to contracted suppliers selected in said selecting step by e-mail notification, wherein the notification includes the details requirements for an employee (C5 L25-46, e-mail request); means for said suppliers to retrieve and review said detailed statement of required skills and abilities for an employee and submit a candidate against said detailed statement of required skills and abilities for an employee (C5 L25-46, receive email and open attached file containing detailed non-employee needs); means for receiving from a supplier candidate or candidates with appended resumes (C2 L34-39, vendor supplier manager with listing of all qualified and available non-employee workers; C9 L5-17, detailed non-employer information could be provided by supplier); and means for displaying for the user the supplier responses and associated resumes (C2 L34-52, C5 L25-46, manager receives and reviews vendor/supplier e-mailed listing of all qualified and available non-employee workers).

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9. Dietz fails to expressly disclose means for prompting a user through a series of screens to enter a Statement of Work (SOW) and complete a skills detail checklist for each of the technical skills requested.
10. However, Dietz does disclose the ability of the Manager to create a Work Assignment (C6 L6-24) and an electronic request to the vendor for a non-employee worker (C8 L55-63). Wherein the request specifies a job category, a job description, a number of skills that are required of the non-employee worker to fill a particular position, a rate range, etc (C8 L55-63). The request can also include Exception fields for specifying the reasons why certain standards are not followed (C8 L55-63), which suggest that the prior information is also entered as *fields* in an electronic document to be sent to the supplier/vendor by e-mail.
11. Furthermore, the system described by Dietz is a networked based system, wherein communication between Managers/Users, Vendors/Suppliers, and Approvers/Upper Management are all handled electronically over the network (LAN, WAN, Internet are all described networked formats that are easily convertible). Dietz also describes the ability of the Vendors to have controlled/limited access to the information in the networked-based managers/employers database (C5 L23-35, Fig.2, Claim 22), wherein a Manager can communicate with Vendor through e-mail and/or *shared access to networked system* – which contains the requisition/database system. Finally, Dietz describes a method, wherein the Manager notifies an Approver of a Work Assignment stored by e-mail - so the Approver can access the stored file through the network and approve the Work assignment (C6 L34-38).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to notify the Vendors in the same way, when a request or work

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assignment was in the database (instead of e-mailing them directly with the file attached), for the purpose of maintaining centralized control of the information – in case of in-process request changes or information security problems.

13. Dietz fails to expressly disclose notifying the supplier that a new request has been entered into the SMA application.
14. However, Dietz does disclose emailing the supplier with a request for a non-worker employer with detailed requirements included, and this could broadly be considered as a “notification” that a request has been entered into the SMA system (Networked database system), thus the reason they (the suppliers) are receiving the request.
15. If the Applicant is intending to indicate that the Supplier must access the SMA website, in order to review the request, it should be written more explicitly as so in the independent claims.
16. As per Claims 2 and 6, Dietz discloses wherein the SMA and REQ/CAT applications are Web-based (Database requisition system and Networked Database management system and would be considered equivalents C5 L23-25); however, Dietz fails to expressly disclose wherein the SMA Web site is provided for suppliers to access to view request details and submit a candidate or candidates.
17. However, as described for the independent claims above, Dietz also describes the ability of the Vendors to have controlled/limited access to the information in the networked-based managers/employers database (C5 L23-35, Fig.2, Claim 22), wherein a Manager can communicate with Vendor through e-mail and/or *shared access to networked system* – which contains the requisition/database system. Furthermore, Dietz describes a method, wherein

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the Manager notifies an Approver of a Work Assignment stored by e-mail - so the Approver can access the stored file through the network and approve the Work assignment (C6 L34-38).

18. As per Claims 3 and 7, Dietz discloses responding to a user's selection of a candidate or candidates by invoking an approval and procurement process running on a computer system (C6 L34-38, Approver receives e-mail notification from Manager then accesses work assignment through network to review).

#### ***Response to Arguments***

19. Therefore, applicant's arguments filed 1/12/2006, regarding Claims 1-7, have been fully considered but are moot based on the new grounds of rejection. This is a Non-Final Office Action.
20. The Arguments of the Applicant have been answered by the new rejection presented above.

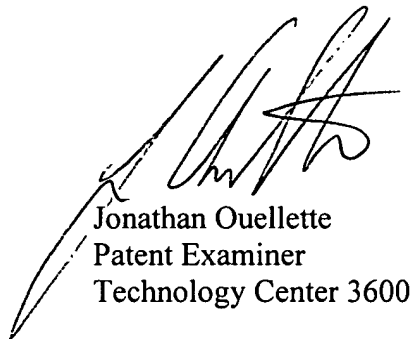
#### ***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

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23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

March 24, 2006



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600